

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
Probation and Pretrial Services Office

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September 26, 2005

The Honorable Maurice B. Cohill, Jr.  
Senior United States District Judge  
Eighth Floor, Courtroom No. 3  
United States Post Office and Courthouse  
Pittsburgh, Pennsylvania 15219

Dear Judge Cohill:

RE: HENDERSON, Thomas Tremayne  
Criminal No. 00-00041-001 Erie  
**Status Report: Positive Urine**

The is the third letter sent to the Court since June 16, 2005, advising the Court of a positive drug test for Thomas Henderson. The Probation Office is advising the Court that a urine specimen obtained from Mr. Henderson on August 11, 2005, and September 14, 2005, tested positive for cocaine. Mr. Henderson has tested positive previously for cocaine on June 6, and 10, 2005, and July 11 and 14, 2005. Mr. Henderson was confronted with the latest test result on August 29, 2005, and admitted to using crack cocaine. Mr. Henderson has been attending drug and alcohol counseling at Gaudenzia Crossroads. Also, the frequency of contact with this office and drug testing has continued at twice per week. Despite these efforts, Mr. Henderson continues to use crack cocaine.

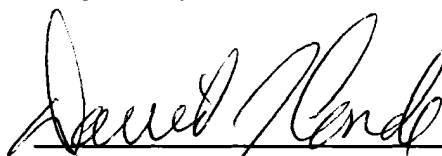
Please note that 18 U.S.C. § 3583 (g)(4) requires revocation if the defendant tests positive for illegal controlled substances more than three times over the course of a year. The positive test result of August 11, 2005, would be the fifth positive test result. It appears, however, that 18 U.S.C. § 3583(d) allows the Court to consider substance abuse treatment in lieu of revocation. It is the opinion of the Probation Office and the treatment provider at Gaudenzia Crossroads that Mr. Henderson is not in need of inpatient treatment. However, he would benefit from a prolonged period of time in a structured environment where continued drug and alcohol counseling could be provided. Such a goal could be achieved with home detention placement and increased drug and alcohol counseling, which would include group counseling.

As a result of Mr. Henderson's continued drug use, it is respectfully recommended that he be placed on home detention. This will allow him to continue working and supporting his family. In the meantime, increased counseling efforts may help to turn the tide. On September 19, 2005, Mr. Henderson signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Time of Supervision (enclosed), in which he agreed to the following modification of supervision: The releasee shall be placed on home detention for a period of up to 180 days. During this time, the releasee shall remain at his place of residence except for employment and other activities approved in advance by the probation officer. At the direction of

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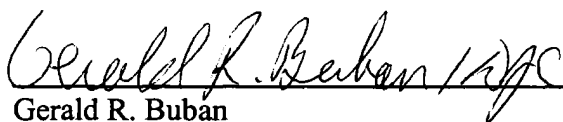
the probation officer, the releasee shall wear an electronic monitoring device and shall observe the rules specified by the Probation Department. A petition is enclosed for the Court's review and signature. Should the Court prefer a different course of action or require any additional information regarding this case, please feel free to contact the undersigned at 814-464-9654.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David J. Conde", written over a horizontal line.

David J. Conde  
U.S. Probation Officer

Reviewed and approved by:

A handwritten signature in cursive script, appearing to read "Gerald R. Buban", written over a horizontal line.

Gerald R. Buban  
Supervising U.S. Probation Officer

DJC:kjh

Enclosure: Petition  
Form 49 (Waiver)